



Express Mail No.: EL 501 636 579 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Beetham *et al.*

Application No.: 09/685,403

Group Art Unit: To Be Assigned

Filed: October 10, 2000

Examiner: To Be Assigned

For: NON-TRANSGENIC HERBICIDE
RESISTANT PLANTS

Attorney Docket No.: 7991-086

**REQUEST TO ESTABLISH SMALL ENTITY STATUS
AND TRANSMITTAL OF SMALL ENTITY CLAIM UNDER 37 C.F.R. § 1.27(c)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Attorneys for Applicants request that Small Entity Status be established and submit herewith an original executed Verified Statement Claiming Small Entity Status - Small Business Concern from ValiGen (US), Inc., the assignee of the invention described in the above-identified application. It is requested that the Verified Statement be made of record in the file of the above-identified patent application.

Respectively submitted,

by: Thomas E. Friebel
REC NO 40, 203

Date: January 10, 2001

Thomas E. Friebel
Thomas E. Friebel, Esq.

29,258
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036
(212) 790-9090



C17-2000 44-5000

Express Mail No.: EL 501 636 891 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Beetham et al.

Serial No.: 09/685,403

Group Art Unit: 1638

RECEIVED

Filed: October 10, 2000

Examiner: To be Assigned

FEB 13 2001

For: NON-TRANSGENIC HERBICIDE
RESISTANT PLANTS Attorney Docket No.: 7991-086

TECH CENTER 1600

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents
Box MISSING PARTS
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application (hereinafter the "Notice") mailed by the U.S. Patent and Trademark Office on January 11, 2001, Applicants submit herewith a copy of the papers mailed to the Patent and Trademark Office on January 10, 2001, which include the following:

- (i) Submission of Executed Declaration, A Power of Attorney, Request to Establish Small Entity Status, and Request for Refund by Assignee;
- (ii) Original Declaration for Non-Provisional Patent Application in two counterparts executed by Patricia L. Avissar, Richard A. Metz, Peter R. Beetham, and Keith A. Walker;
- (iii) Power of Attorney by Assignee and Exclusion of Inventor(s) under 37 C.F.R. § 3.71 executed by Douglas Watson for ValiGen (US), Inc.;
- (iv) Request for Refund Pursuant to 37 C.F.R. § 1.28(a);
- (v) Request to Establish Small Entity Status and Transmittal of Small Entity Certification Statement.

Enclosed herewith is a copy of the missing parts. This is also enclosed



In accordance with the Notice, the surcharge for filing the enclosed Declaration and Power of Attorney is estimated to be **\$65.00**. If the fee has not been previously charged, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

RECEIVED

Respectfully submitted,

FEB 13 2001

Date: January 29, 2001

Thomas E. Friebel

Thomas E. Friebel

TECH CENTER : 600 2900

29,258

(Reg. No.)

By:

William Thomann

William Thomann

40,203

(Reg. No.)

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New York, New York 10036-2711

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/685,403	10/10/2000	Peter R. Beetham	7991-086

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

FORMALITIES LETTER



OC000000005673297

Date Mailed: 01/11/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION RECEIVED

FILED UNDER 37 CFR 1.53(b)

FEB 13 2001

Filing Date Granted

TECH CENTER 1600/290

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Express Mail No.: EL 501 636 891 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Beetham et al.

Serial No.: 09/685,403

Group Art Unit: 1638

Filed: October 10, 2000

Examiner: To be Assigned

For: NON-TRANSGENIC HERBICIDE Attorney Docket No.: 7991-086
RESISTANT PLANTS

REQUEST FOR CORRECTION OF FILING RECEIPT

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

Sir:

Enclosed is the original and one copy of the filing receipt for the present application. A Response to the Notice of Missing Parts is also enclosed.

Please note the following errors where highlighted and indicated in red ink on the copy of the filing receipt:

The Continuing Data as claimed by Applicant is incorrect.

The correct data are as follows:

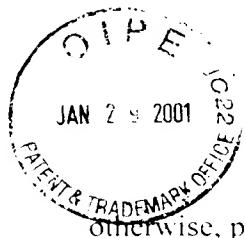
This application claims benefit of both U.S. Provisional Application No. 60/158,027, filed October 7, 1999 and U.S. Provisional Application No. 60/173,564, filed December 30, 1999.

Also, the Applicants information is incorrect.

The correct Applicants data is as follows:

Patricia L. Avissar, East Brunswick, NJ;

Keith A. Walker, San Diego, CA; and



Richard A. Metz, Lawrenceville, NJ.

No fee is believed due. However, should the Patent Office determine otherwise, please charge the necessary fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed.

Respectfully submitted,

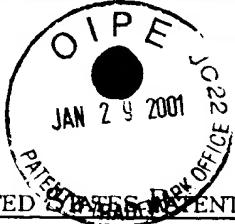
Date: January 29, 2001

Thomas E. Friebel 29,258
Thomas E. Friebel (Reg. No.)

By:

William Thomann 40,203
William Thomann (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/685,403 ✓	10/10/2000	1638	1464 2430	7991-086	10	24	5

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

FILING RECEIPT



OC000000005673296

Date Mailed: 01/11/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Peter R. Beetham, Carlsbad, CA ;
Patricia L. Avissar, East Brunswick, NJ ;
Keith A. Walker, Lawrenceville, NJ, SAN DIEGO, CA (Please insert)
RICHARD A. METZ, LAWRENCEVILLE, NJ

Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/158,027 10/07/1999
Please delete → (~~WHICH CLAIMS BENEFIT OF~~) 60/173,564 12/30/1999

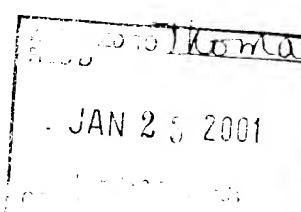
and

Foreign Applications

If Required, Foreign Filing License Granted 01/11/2001

Title

Non-transgenic herbicide resistant plants



Preliminary Class

135

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CUST. SER.

ATT.



FULL NAME _____
ADDRESS _____



INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 C.F.R. § 1.27(g)(2)]

I acknowledge that (1) any attempt to fraudulently (a) establish status as a small entity or (b) pays fees as a small entity or (2) improperly and with intent to deceive (a) establishing status as a small entity or (b) paying fees as a small entity shall be considered as a fraud practiced or attempted on the Patent and Trademark Office. [37 C.F.R. § 1.27(h)(1) and (2)]

Send correspondence to: PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036-2711

Direct Telephone calls to:
PENNIE & EDMONDS LLP
(212) 790-9090

Name of person signing Douglas Watson
Title of person other than owner President & CEO
Address of person signing ValiGen, Inc., 300 Pheasant Run, Newtown, PA 18940

Signature Douglas Watson Date January 3, 2001